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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,358	12/07/2001	Christian Ostergaard	367.40826X00	7880

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EXAMINER
PESIN, BORIS M

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/005,358	OSTERGAARD ET AL.
	Examiner	Art Unit	
	Boris Pesin	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 June 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-43* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

This communication is responsive to Amendment B, filed 10/15/2004.

Claims 21-43 are pending in this application. Claims 21, 28, and 36 are

independent claims. In the Amendment B, claims 21-36 were amended and claims 41-

43 were added as new. This action is made Non-Final.

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Regarding Claims 21-40, Examiner notes "means for" language. Upon

application of the 3-prong test as set forth in MPEP 2181, Examiner interprets claim

language per 35 USC112, 6th Paragraph.

Claim Objections

Claim 21 is objected to because of the following informalities:

Line 15 is missing a "for" after the "means".

All subsequent instances must also be fixed.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claims 21-43 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

In claims 21, 28, and 36 it is not clear to the Examiner by what the Applicant

means by "providing a user of the mobile phone browsing through the hierarchical

memory structure." Does the applicant mean, providing a user of the mobile phone [the

capability of] browsing through the hierarchical memory structure?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
       obviousness or nonobviousness.

Claims 21, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42,

and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft

Windows NT Screen Shots (Recycle Bin) in view of (Johnson

http://www.tcs.org/ioport/oops-1.htm) in view of Elsey et al. (US 5706334) further in view

of Helferich (US 6636733).

In regards to claim 21, Windows NT teaches a recovery management terminal for

handling deleted items, comprising; means for displaying the deleted items in a

hierarchical memory structure including additional information about the deleted items

(See Figure 1, Element 1).

The Windows NT Screen Shots do not teach a means for recovering at least one

deleted item from the hierarchical memory structure of deleted items and relocating a

link to the recovered at least one deleted item to an original location thereof before

deletion thereof from a memory position in which the deleted item is stored.

Furthermore the Windows NT Screen Shots do not teach means for establishing a link

from a memory position in which the recovered at least one deleted item is stored to a

new location. Johnson teaches, "When a file is deleted, the first character in the file

name directory listing is altered (actually replaced with a sigma character). The file's

entries in the file allocation table (FAT) are also cleared, though the data on the disk

itself is unchanged. Since the FAT entries tell DOS where the file is physically located,

from DOS' perspective the file is now "gone."' Page 1, 4th Paragraph). By recreating the

FAT entries and the first character in the file name directory listing by using a program

like "Microsoft Undelete" (Johnson, Screen Shot, Page 3) the user is able to restore the

file to the original location. Furthermore, Johnson teaches, "A special note for WFW

users: UNDELETE and WFW's 32-bit File Access are not compatible, since UNDELETE

requires low-level disk access. To restore a deleted file, you have to either exit Windows

for Workgroups or undelete the file to a drive not set for 32-bit file access. Perhaps the

easiest way to do this is to undelete the file to a floppy disk (assuming it will fit), then

copy the file back to the hard disk. From the Windows version of UNDELETE highlight

the file, select File | Undelete To, then specify the floppy drive." (Page 3, Paragraph 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to combine Windows NT (Recycle Bin) with the teachings of Johnson and include a

system to undelete files by changing the pointers of the files that have been mistakenly

deleted with the motivation to provide the user with a reliable and a convenient method

to undo mistaken deletions.

Windows NT Screen Shots and Johnson do not teach a mobile phone including a

recovery management system and user interface for enabling manipulation of the

deleted items including providing a user of the mobile phone browsing through the

hierarchical memory structure. Elsey teaches, "FIG. 8 illustrates a seventh graphical

user interface of the present invention. This GUI illustrates the "Directory Edit" GUI."

and "A deleted record will not be deleted from the database immediately, but is instead

shown in grayed-out text (as shown for "Monty Burns"). This allows the user to

undelete the contact record within a fixed period of time" (Column 8, Line 31). It would

have been obvious to one of ordinary skill in the art at the time of the invention to

modify Windows and Johnson with the teachings of Elsey and allow for manipulations

of deleted items and providing the user of a mobile phone the ability to browse through

the hierarchical memory structure with the motivation to provide the user with more

convenient and safer tool for providing directory information to mobile telephone users
(Elsey Column 1, Line 56).

Windows NT, Johnson, and Elsey do not specifically teach means for setting a
time at which deleted items are deleted from the hierarchical memory structure.
Helferich teaches, "The mobile phone 10 may be configured so that an internal
processor executes the following process: Receive and store messages in memory.
When a message is received and memory is full, over write one or more message
bodies, but retain the message header and the message ID associated with the
message, to make room for the new message." (Column 8, Line 63). It would have
been obvious to one of ordinary skill in the art at the time of the invention to modify
Windows NT, Johnson, and Elsey with the teachings Helferich and include a way of
setting a time when to delete messages with the motivation to provide for more space
for messages.

In regards to claim 23, Microsoft, Johnson, Elsey and Helferich do not specifically
teach a mobile phone for handling deleted items according to claim 21 characterized in
that the deleted items are SMS, ringing tones, phone book entries, calendar entries,
pictures, bookmarks, user actions, settings set, renaming, phonebook editing, smileys,
e-mail, voice memos, voice tags, games, operator icons picture and profiles. However,
it is inherent that Microsoft allows for this functionality because SMS, ringing tones,
phone book entries, calendar entries, pictures, bookmarks, user actions, settings set,
renaming, phonebook editing, smileys, e-mail, voice memos, voice tags, games,

operator icons picture and profiles are all types of data and an operating system (i.e.

Windows) handles various types of data.

In regards to claim 24, Microsoft, Johnson, Elsey, and Helferich teach all the

limitations of claim 21. Microsoft, Johnson, and Balk do not teach a mobile phone for

handling deleted items characterized in that the recovery management terminal can be

set to automatically delete the hierarchical memory structure when the available

memory is used. Helferich teaches, "The present invention provides a system for

deleting messages when memory is full but the deleted or over written messages may

be again received and stored by the mobile telephone 10 as will be described

hereinafter." Column 8, Line 59). It would have been obvious to one of ordinary skill in

the art at the time of the invention to modify Microsoft, Johnson, and Elsey with the

teachings of Helferich and include a method to automatically delete files when available

memory is full with the motivation to provide the user with free memory space in order to

make it easier to save other files.

In regards to claim 25, Microsoft, Johnson, Elsey, and Helferich teach all the

limitations of claim 21. Microsoft does not teach a mobile phone for handling deleted

items in characterized in that the recovery management terminal can be set to

automatically delete the hierarchical memory structure at certain interval. Helferich

teaches, "paging devices automatically delete the oldest read message in order to make

room in memory for a newly received message." Column 8, Line 54).

In regards to claim 26, Microsoft, Johnson, Elsey, and Helferich teach all the

limitations of claim 21. Microsoft does not teach a mobile phone for handling deleted

items, wherein the recovery management terminal can be set to automatically delete the

hierarchical memory structure when the available memory is used and characterized in

that the hierarchical memory structure can be set to delete certain selected types of the

items. Helferich teaches, "paging devices automatically delete the oldest read message

in order to make room in memory for a newly received message." Column 8, Line 54).

In Helferich's invention, the device automatically deletes only messages.

In regards to claim 27, Microsoft, Johnson, Elsey and Helferich teach all the

limitations of claim 21. The combination of Microsoft, Johnson, Elsey and Helferich

further teaches a mobile phone for handling deleted items characterized in that the

additional information about said deleted item includes name, item type, deletion time,

deletion date and a link to the location in the mobile phone from where said deleted item

was deleted (See Microsoft Figure 1).

Claim 28 is in the same context as claim 21; therefore it is rejected under similar

rationale.

Claim 30 is in the same context as claim 23; therefore it is rejected under similar

rationale.

Claim 31 is in the same context as claim 24; therefore it is rejected under similar

rationale.

Claim 32 is in the same context as claim 25; therefore it is rejected under similar

rationale.

Claim 33 is in the same context as claim 26; therefore it is rejected under similar

rationale.

Claim 34 is in the same context as claim 27; therefore it is rejected under similar rationale.

In regards to claim 35, Microsoft, Johnson, Elsey, and Helferich teach all the limitations of claim 28. They do not teach a mobile phone for handling deleted items characterized in that said deleted items can be automatically deleted from one memory structure and relocated into the hierarchical memory structure of said recovery management terminal, when the allocated memory of said memory structure is used. Helferich teaches, "The present invention provides a system for deleting messages when memory is full but the deleted or over written messages may be again received and stored by the mobile telephone 10 as will be described hereinafter." Column 8, Line 59).

Claim 36 is in the same context as claim 21; therefore it is rejected under similar rationale.

Claim 38 is in the same context as claim 23; therefore it is rejected under similar rationale.

Claim 39 is in the same context as claim 27; therefore it is rejected under similar rationale.

In regards to claim 40, Microsoft, Johnson, Elsey, and Helferich teach all the limitations of claim 36. They do not teach a method for handling deleted items, wherein said recovery management terminal can be set to automatically empty said memory structure at certain intervals or when the allocated memory is used according to any of

the following options: the oldest item is deleted first from said memory structure, the oldest message is deleted first from said memory structure, the oldest ringing tone is deleted first from said memory structure, the oldest calendar entry is deleted first from said memory structure or, any other specified type is deleted first of deleted items from the said memory structure. Helferich teaches, "paging devices automatically delete the oldest read message in order to make room in memory for a newly received message." Column 8, Line 54).

In regards to claim 41, Microsoft, Johnson, Elsey, and Helferich teach all the limitations of claim 21. Elsey further teaches means for transferring the deleted items between storage locations in different memories (Figure 1).

Claims 42 and 43 are in the same context as claim 41; therefore it is rejected under similar rationale.

Claims 22, 29, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Windows NT Screen Shots (Recycle Bin) in view of (Johnson http://www.tcs.org/ioport/oops-1.htm) in view of Elsey et al. (US 5706334) in view of Helferich (US 6636733) in view of Skopp et al. (US 6256739).

In regards to claim 22, Microsoft, Johnson, Elsey, and Helferich teach all the limitations of claim 21. They do not teach a recovery management terminal for handling deleted items in a communication unit characterized in that the recovery management terminal can be turned off so that all deleted items are permanently deleted. Skopp teaches, "The shutdown procedure also calculates whether an advertisement should be

permanently removed from that client's advertisement index. If required, the PCPD 330

can instruct the client access control application 210 to disable the particular

advertisement in the index." Column 10, Line 23). It would have been obvious to one of

ordinary skill in the art at the time of the invention to modify Microsoft, Johnson, Elsey,

and Helferich with the teachings of Skopp and include a method to delete a selection of

files on shutdown with the motivation to conserve memory space.

Claim 29 is in the same context as claim 22; therefore it is rejected under similar

rationale.

Claim 37 is in the same context as claim 22; therefore it is rejected under similar

rationale.

Response to Arguments

Applicant's arguments with respect to claims 21-43 have been considered but are

moot in view of the new ground(s) of rejection.
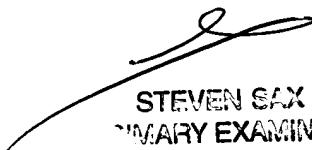

Inquiry

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070.

The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

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BP

STEVEN SAX
~MARY EXAMINER